



MINUTES

**CITY OF SCOTTSDALE FIRE LOCAL BOARD OF THE
PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM (PSPRS)
10:00 a.m., Thursday, February 21, 2013
Police and Fire Department Headquarters—Operations Room
8401 E. Indian School Road
Scottsdale, Arizona 85251**

PRESENT: Jack Cross, Chairman/Mayoral Designee
Todd Cavner, Elected Member (via telephone)
Steve Springborn, Elected Member
Velicia McMillan Humes, Citizen Member/Merit Head

ABSENT: Jeffrey Burg, Citizen Member

STAFF: Ken Nemec

OTHERS: Hannah Auckland, Esq.
Fire Fighter Timothy Borgwardt

Call to order

Chairman Cross called the meeting to order at 10:11 a.m. He stated that the first order of business was the acknowledgement of Board Member Burg's excused absence.

Roll call

A formal roll call confirmed the members present as stated above.

Possible Executive Session

Executive Session may occur at any time during this meeting.

1. Review and approval of meeting minutes—January 17, 2013

**BOARD MEMBER SPRINGBORN MOVED TO APPROVE THE REGULAR
MEETING MINUTES OF THE JANUARY 17, 2013 PSPRS FIRE LOCAL BOARD
MEETING AS PRESENTED. BOARD MEMBER MCMILLAN HUMES SECONDED**

THE MOTION, WHICH CARRIED BY A VOTE OF FOUR (4) TO ZERO (0). BOARD MEMBER BURG WAS ABSENT.

2. Induction of new Scottsdale Fire Fighters into PSPRS

In response to Chairman Cross' inquiry regarding whether it was necessary to adjourn into executive session in order to discuss a fire fighter inductee who has a pre-existing condition, Board Member Springborn noted that there was no confidentiality waiver signed by the inductee.

Ms. Auckland confirmed that the Board must adjourn into executive session to discuss medical conditions whenever there was no signed confidentiality waiver.

Board Member Springborn expressed his need to obtain legal counsel regarding the medical documentation supplied for review by the Board.

CLOSED PUBLIC HEARING (Executive Session occurred 10:13 a.m. to 10:20 a.m.)

Motion to recess into executive session for a discussion of pre-existing conditions of new Scottsdale Fire Fighter inductees into PSPRS

BOARD MEMBER SPRINGBORN MOVED TO ADJOURN INTO EXECUTIVE SESSION TO DISCUSS THE PRE-EXISTING CONDITIONS OF NEW SCOTTSDALE FIRE FIGHTER INDUCTEES INTO PSPRS. BOARD MEMBER MCMILLAN HUMES SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FOUR (4) TO ZERO (0). BOARD MEMBER BURG WAS ABSENT.

RECONVENE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM MEETING FOLLOWING EXECUTIVE SESSION

BOARD MEMBER SPRINGBORN MOVED TO APPROVE THE INDUCTION OF NEW SCOTTSDALE FIRE FIGHTER JUSTIN COOPER INTO THE PSPRS WITH A NOTATION THAT THE FOLLOW UPS NOTED IN HIS PRE-EXISTING CONDITIONS REPORT BE COMPLETED, WITH THE RESULTS BEING FORWARDED TO DR. DASHEFSKY THROUGH SCOTTSDALE HEALTHCARE IN ORDER TO DETERMINE WHETHER OR NOT THE INDUCTEE HAS A TRUE PRE-EXISTING CONDITION. BOARD MEMBER CAVNER SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FOUR (4) TO ZERO (0). BOARD MEMBER BURG WAS ABSENT.

BOARD MEMBER SPRINGBORN MOVED TO APPROVE THE INDUCTION OF NEW SCOTTSDALE FIRE FIGHTER JAMES CASHION INTO THE PSPRS WITH THE CAVEAT THAT HE DOCUMENT WHETHER OR NOT HE AGREES WITH THE FINDINGS OF THE PHYSICIAN LISTED IN HIS PRE-EXISTING CONDITIONS REPORT, NOTING THAT SHOULD THE INDUCTEE DISAGREE THEN THIS MATTER MUST COME BACK BEFORE THE BOARD FOR FURTHER POTENTIAL ACTION. BOARD MEMBER MCMILLAN HUMES SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FOUR (4) TO ZERO (0). BOARD MEMBER BURG WAS ABSENT.

BOARD MEMBER SPRINGBORN MOVED TO APPROVE THE INDUCTION OF NEW SCOTTSDALE FIRE FIGHTER GREGORY WICKS INTO THE PSPRS WITH A NOTATION THAT THE FOLLOW UPS NOTED IN HIS PRE-EXISTING CONDITIONS REPORT BE COMPLETED, WITH THE RESULTS BEING FORWARDED TO DR. DASHEFSKY OR A PHYSICIAN APPOINTED BY SCOTTSDALE HEALTHCARE IN ORDER TO DETERMINE WHETHER OR NOT THE INDUCTEE HAS A TRUE PRE-EXISTING CONDITION. BOARD MEMBER MCMILLAN HUMES SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FOUR (4) TO ZERO (0). BOARD MEMBER BURG WAS ABSENT.

3. Discussion and vote on the Accidental Disability Retirement application of Fire Fighter Timothy Borgwardt

Chairman Cross confirmed that the Board had a signed waiver of confidentiality from the Applicant allowing the discussion of his medical records to occur in open session. He noted that Fire Fighter Timothy Borgwardt provided the Board with an excellent summary of his case along with his application.

Mr. Nemec reported that Fire Fighter Borgwardt has applied for an accidental disability retirement related to his back injury that occurred in February of 2009, noting that his well documented paperwork was in order.

BOARD MEMBER SPRINGBORN MOVED TO APPROVE THE ISSUANCE OF AN INDEPENDENT MEDICAL EXAMINATION WITH DR. SEIVERT TO SERVE AS THE MEDICAL BOARD FOR THE APPLICATION OF FIRE FIGHTER TIMOTHY BORGWARDT. BOARD MEMBER CAVNER SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FOUR (4) TO ZERO (0). BOARD MEMBER BURG WAS ABSENT.

Chairman Cross invited Fire Fighter Borgwardt to make any comments he would like to add to the record for his case.

Fire Fighter Borgwardt stated that he plans on giving HR additional medical documentation for his file. Chairman Cross suggested that he provide the same documentation to the Board as well as the IME physician during his examination.

Board Member Springborn directed staff to ensure that the IME physician be available for discussion during the future Board meeting wherein this matter is agendaized to be continued.

4. Discussion with Local Board Attorney of the method by which service transfer amounts are calculated by PSPRS

Ms. Auckland presented copies of the memo she prepared on how the actuarial valuation of PSPRS members are calculated during the transfer of prior service credits.

She state that the Board has also received copies of the Gabriel Roeder Smith & Company October 17, 2012 letter to the Board of Trustees regarding the results of the June 30, 2012 annual actuarial valuation of members covered by the Arizona PSPRS.

CLOSED PUBLIC HEARING (Executive Session occurred 10:30 a.m. to 10:43 a.m.)

Motion to recess into executive session for a discussion of the method by which service transfer amounts are calculated by PSPRS

BOARD MEMBER CAVNER MOVED TO ADJOURN INTO EXECUTIVE SESSION TO DISCUSS THE METHOD BY WHICH SERVICE TRANSFER AMOUNTS ARE CALCULATED BY PSPRS. BOARD MEMBER MCMILLAN HUMES SECONDED THE MOTION, WHICH CARRIED BY A VOTE OF FOUR (4) TO ZERO (0). BOARD MEMBER BURG WAS ABSENT.

RECONVENE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM MEETING FOLLOWING EXECUTIVE SESSION

Ms. Auckland agreed to create a packet of information on this matter including her memo, the appendix, and other reports, and email the information to Mr. Nemec for distribution to the Board.

5. Board suggestions for upcoming agenda items

Chairman Cross confirmed that there were no suggestions for upcoming agenda items.

ADJOURNMENT

With no further business to discuss, being duly moved and seconded, the meeting adjourned at 10:44 a.m.

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Respectfully Submitted by:

REVIEWED BY:

Ken Nemec
PSPRS Police Local Board Secretary

Jack Cross
PSPRS Chairman/Mayoral Designee